United Nations S/AC.49/2009/26

Security Council

Distr.: General
17 August 2009
English
Original: French

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 6 August 2009 from the Permanent Mission of Andorra to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Andorra to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit the response of the Government of the Principality of Andorra to Security Council resolution 1874 (2009) concerning the Democratic People's Republic of Korea (see annex).

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Annex to the note verbale dated 6 August 2009 from the Permanent Mission of Andorra to the United Nations addressed to the Secretary-General

[Original: French]

Report of Andorra pursuant to paragraph 22 of resolution 1874 (2009) of the Security Council of the United Nations

The Principality of Andorra has a long tradition of peace and has always expressed its support for the defence and promotion of international peace and security.

On 12 June 2009 the Security Council adopted resolution 1874 (2009), which states that the Security Council is extremely concerned by the fact that the Democratic People's Republic of Korea violated resolution 1718 (2006) and conducted a nuclear test on 25 May 2009 (local time).

Paragraph 22 of resolution 1874 (2009) calls upon all Member States to report to the Security Council Committee established pursuant to resolution 1718 (2006) on concrete measures they have taken in order to implement effectively the provisions of paragraph 8 of resolution 1718 (2006) as well as the financial measures set out in paragraphs 18, 19 and 20 of resolution 1874 (2009).

In that connection, Andorra supports all of the resolutions adopted by international institutions and refers to the reports submitted in response to the provisions of the various resolutions of the Security Council.

Andorra stands ready to provide the Committee with further information as may be needed.

Measures taken pursuant to resolution 1718 (2006)

8. Decides that:

(a) All Member States shall prevent the direct or indirect supply, sale or transfer to the DPRK, through their territories or by their nationals, or using their flag vessels or aircraft, and whether or not originating in their territories, of:

(i) Any battle tanks, armoured combat vehicles, large calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purpose of the United Nations Register on Conventional Arms, or related materiel including spare parts, or items as determined by the Security Council or the Committee established by paragraph 12 below (the Committee);

(ii) All items, materials, equipment, goods and technology as set out in the lists in documents S/2006/814 and S/2006/815, unless within 14 days of adoption of this resolution the Committee has amended or completed their provisions also taking into account the list in document S/2006/816, as well as other items, materials, equipment, goods and technology, determined by the Security Council or the Committee, which could contribute to DPRK's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes;

(iii) Luxury goods;

Andorra can be entered only by road and the borders are patrolled by the Police Service 24 hours a day.

The Government of Andorra knows of no supply, sale or transfer to the Democratic People's Republic of Korea of items covered in paragraphs 8 (a) (i), (ii) and (iii).

(b) The DPRK shall cease the export of all items covered in subparagraphs (a) (i) and (a) (ii) above and that all Member States shall prohibit the procurement of such items from the DPRK by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of the DPRK;

The Government of Andorra affirms that there are no imports into the Principality of Andorra of items covered in subparagraphs (a) (i) and (a) (ii) from the Democratic People's Republic of Korea.

(c) All Member States shall prevent any transfers to the DPRK by their nationals or from their territories, or from the DPRK by its nationals or from its territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii) above;

The Government of Andorra affirms that there are no transfers to or from the Democratic People's Republic of Korea of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items in subparagraphs (a) (i) and (a) (ii).

(d) All Member States shall, in accordance with their respective legal processes, freeze immediately the funds, other financial assets and economic

resources which are on their territories at the date of the adoption of this resolution or at any time thereafter, that are owned or controlled, directly or indirectly, by the persons or entities designated by the Committee or by the Security Council as being engaged in or providing support for, including through other illicit means, DPRK's nuclear-related, other weapons of mass destruction-related and ballistic missile-related programmes, or by persons or entities acting on their behalf or at their direction, and ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of such persons or entities;

The Ministry of Foreign Affairs and Institutional Relations of Andorra has transmitted the texts of resolutions 1718 (2006) and 1874 (2009) to the Andorran Financial Intelligence Unit.* Within the competence granted to it under the Act on International Cooperation in Criminal Matters, Prevention of the Laundering of Money or Securities Constituting the Proceeds of International Crime and Prevention of the Financing of Terrorism, the Unit issues official communications reproducing the measures specified in paragraphs 18, 19 and 20 of resolution 1874 (2009). The communications are addressed to financial entities subject to the Act as defined in article 41 of the Act, namely, "individuals or entities that are subject to the legal obligations specified in this Act and which belong to any of the following categories:

– Operative components of the financial system

– Insurance companies authorized to operate in the life insurance sector

– Money transfer institutions".

The Act provides that those subject to its provisions shall monitor all transactions that, although not suspicious, take place under complex or unusual conditions and seem to have no economic justification or legal purpose, and especially transactions likely to involve money-laundering operations and those requiring special monitoring according to official communications.

If one of the entities subject to the Act has reason to suspect that a transaction may be linked to one of the entities or individuals listed in official communications, that transaction is blocked by the Unit and the corresponding file is subsequently transmitted to the Public Prosecutor.

The Court of First Instance of Andorra (*Batllia*) is competent to freeze funds which are on Andorran and which are owned or controlled, directly or indirectly, by individuals or entities included on the lists issued by the Committee.

(e) All Member States shall take the necessary steps to prevent the entry into or transit through their territories of the persons designated by the Committee or by the Security Council as being responsible for, including through supporting or promoting, DPRK policies in relation to the DPRK's nuclear-related, ballistic missile-related and other weapons of mass destruction-related programmes, together with their family members, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

* The communication referred to is on file with the Secretariat and is available for consultation.

The Ministry of Foreign Affairs and Institutional Relations transmits regularly to the Police Service of Andorra the lists and amendments thereto circulated by the various committees of the Security Council. The Police Service immediately implements the measures to which they refer.

These lists are entered into the Police database, which may be consulted by police officers during any screening.

The Police Service, working with the immigration authorities, is competent to examine the identity documents, nationality and police record of any person requesting permission to immigrate and must in all cases consult the police database.

With regard to border controls, the Immigration Act states that one of the conditions for entry into the Principality of Andorra is that the person requesting entry must not constitute a threat to the security of the State, persons or property or to public order. To that end, border officials must also consult the Police Service database when carrying out screenings.

In addition, the Police Service database is connected to the International Criminal Police Organization (INTERPOL) database. Lastly, the Police Service of Andorra is in constant contact with the French and Spanish police services.

Andorra has neither a port nor an airport. Andorra can be entered only by road and the borders are patrolled by the Police Service 24 hours a day.

(f) In order to ensure compliance with the requirements of this paragraph, and thereby preventing illicit trafficking in nuclear, chemical or biological weapons, their means of delivery and related materials, all Member States are called upon to take, in accordance with their national authorities and legislation, and consistent with international law, cooperative action including through inspection of cargo to and from the DPRK, as necessary;

Andorra has neither a port nor an airport and can be entered only by road. With regard to border control, Andorra adopted the International Convention on the Harmonized Commodity Description and Coding System in 2006. The Convention was already being implemented beforehand. The Harmonized System and the risk analyses and statistics prepared by the Customs Department have made it possible to establish a control procedure through the targeting of goods that takes into consideration the provisions of resolutions 1718 (2006) and 1874 (2009). Border controls consist of exhaustive checks (physical and/or documentary) by the Andorran Customs Department.

Measures taken pursuant to resolution 1874 (2009)

18. Calls upon Member States, in addition to implementing their obligations pursuant to paragraphs 8 (d) and (e) of resolution 1718 (2006), to prevent the provision of financial services or the transfer to, through, or from their territory, or to or by their nationals or entities organized under their laws (including branches abroad), or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to the DPRK's nuclear-related, ballistic missile-related, or other weapons of mass destruction-related programmes or activities, including by freezing any financial or other assets or resources on their territories or that hereafter come

within their territories, or that are subject to their jurisdiction or that hereafter become subject to their jurisdiction, that are associated with such programmes or activities and applying enhanced monitoring to prevent all such transactions in accordance with their national authorities and legislation;

19. Calls upon all Member States and international financial and credit institutions not to enter into new commitments for grants, financial assistance, or concessional loans to the DPRK, except for humanitarian and developmental purposes directly addressing the needs of the civilian population, or the promotion of denuclearization, and also calls upon States to exercise enhanced vigilance with a view to reducing current commitments;

Andorra refers to its responses above and reports that, in accordance with the provisions of resolution 1874 (2009), the Andorran Financial Intelligence Unit has issued an official communication (attached to this report) requiring those subject to its provisions to monitor all transactions.

20. Calls upon all Member States not to provide public financial support for trade with the DPRK (including the granting of export credits, guarantees or insurance to their nationals or entities involved in such trade) where such financial support could contribute to the DPRK's nuclear-related or ballistic missile-related or other WMD-related programmes or activities;

Andorra does not provide any public financial support for international trade with the Democratic People's Republic of Korea.